

1 MCGREGOR W. SCOTT
United States Attorney
2 MARK E. CULLERS
Assistant U.S. Attorney
3 4401 Federal Building
2500 Tulare Street
4 Fresno, California 93721
Telephone: (559) 497-4000
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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
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12 UNITED STATES OF AMERICA,) CASE NO. 1:98CR5079 OWW
13)
14 Plaintiff,) MOTION TO DISMISS INDICTMENT
15 v.) AGAINST EMMANUEL G. UMALI
16)
17 SOCRATES G. DOMINGO,)
EMMANUEL G. UMALI, and)
18 EVELINA P. SABIO,)
Defendants.)
19 _____)

20 Plaintiff United States of America, by and through its
21 undersigned counsel, and pursuant to Fed. R. Crim. P. 48, moves to
22 dismiss the indictment in the above-captioned action filed on March
23 6, 1998.

24 It is the government's belief that Evelina Sabio and defendant
25 Emmanuel G. Umali learned of the investigation in the underlying
26 case (and a corresponding case out of the Sacramento division,
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28

1 United States v. Martin S. Rosman, CR.S. 98-00383 EJG¹) and fled
2 the country to avoid charges. More than eight years have passed
3 since the indictment was returned in this case.

4 When Evelina Sabio was arrested in Las Vegas in June 2007 she
5 was interviewed and admitted, at least in part, to some of her
6 involvement with the illegal activity charged. The government
7 proceeded to review and evaluate the evidence still in its
8 possession and otherwise available to the government.

9 Notwithstanding the partial confession, the government concluded
10 that given the passage of time there is insufficient evidence
11 available to move forward with the criminal prosecution of Evelina
12 Sabio as charged.

13 The government has also had an opportunity to review the
14 evidence as to defendant Umali. While the evidence is different,
15 it is likewise insufficient to move forward with the prosecution of
16 defendant Umali at this time.

17 Accordingly, the government respectfully requests that the
18 Court dismiss the indictment against Emmanuel G. Umali and release
19 her from custody ordered as a result of the indictment in the
20 above-referenced case.²

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22 ¹The government has moved to dismiss the indictment against
23 Emmanuel G. Umali currently pending in Sacramento for the same
24 reasons.

25 ²It is not known to the government at this time if Evelina
26 Sabio will still be subject to detention on the basis of
27 immigration concerns. She is also subject to detention in the
28 Sacramento case mentioned above. A Motion to Dismiss the

1 Dated: November 6, 2007

Respectfully submitted,

2 MCGREGOR W. SCOTT
3 United States Attorney

4 By /s/
5 MARK E. CULLERS
Assistant U. S. Attorney

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7 ORDER

8 Based on the motion of the government, and GOOD CAUSE
9 APPEARING THEREFORE, the Court hereby orders that the indictment
10 against Emmanuel G. Umali, on March 6, 1998, be and is hereby
11 dismissed.

12 IT IS SO ORDERED.

13 Dated: November 7, 2007

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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Sacramento case has been filed on the same grounds.